

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MARTIN W. JONES,

Plaintiff,

v.

FRANK NAJERA,

Defendant.

CIVIL ACTION
NO. 19-4678-GJP

NOTICE OF APPEAL

Notice is hereby given that Plaintiff Martin W. Jones appeals to the United States Court of Appeals for the Third Circuit from (1) the Order entered on November 12, 2020 (ECF No. 42) granting in part Defendants' motions to dismiss Plaintiff's Amended Complaint (attached hereto as Exhibit A); and (2) the Order and Judgment entered on June 29, 2023 (ECF No. 143) entering judgment for Defendant and closing the case (attached hereto as Exhibit B).

Respectfully submitted,

Dated: July 12, 2023

/s/ Renée Dudek

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Counsel for Plaintiff Martin W. Jones

CERTIFICATE OF SERVICE

I certify that, on the date set forth below, I served the foregoing document on all counsel of record who have entered an appearance via the Court's CM/ECF system.

By: /s/ Renée Dudek

Dated: July 12, 2023

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARTIN W. JONES,

Plaintiff,

v.

TONY MARSAGLIA, *et al.*,

Defendants.

CIVIL ACTION
NO. 19-04678

ORDER

AND NOW, this 12th day of November 2020, upon consideration of Defendants' Motions to Dismiss, (ECF Nos. 37, 38, 39), and Plaintiff's Response¹, (ECF No. 40), it is hereby **ORDERED** that:

1. Defendants Kaminsky and Marsaglia's Motion is **GRANTED** and all claims against them are **DISMISSED with prejudice**;
2. Defendant Najera's Motion is **GRANTED** as to Plaintiff's Fourth Amendment claim based on the search of his home and Plaintiff's conspiracy claim. Those claims are **DISMISSED with prejudice**; and
3. Defendant Mallery's Motion is **GRANTED** as to Plaintiff's Fourth Amendment claim based on the search of his home and Plaintiff's conspiracy claim. Those claims are **DISMISSED with prejudice**. The Motion is **DENIED** as to Plaintiff's Fourth Amendment claim based on the alleged cell phone searches.

¹ Although Defendants filed their Motions to Dismiss on the same day, Plaintiff's Response refers only to Kaminsky and Marsaglia's Motion. Any response to the other Motions to Dismiss is more than four weeks late, but the Court treats all Motions as contested and addresses all the issues as to all Defendants on their merits.

BY THE COURT:

/s/ *Gerald J. Pappert*
GERALD J. PAPPERT, J.

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARTIN W. JONES,	:	CIVIL ACTION
	:	
v.	:	No. 19-4678
	:	
FRANK NAJERA.	:	

CIVIL JUDGMENT

Before the Honorable Gerald J. Pappert,

AND NOW, this 29th day of June, 2023, in accordance with the verdict of
the Jury,

IT IS ORDERED that Judgment is hereby entered in favor of the
defendant Frank Najera and against plaintiff Martin W. Jones as to the violation of
Jones's Fourth Amendment right not to be subjected to an unreasonable search.

BY THE COURT

ATTEST:

/s/ Katie Rolon
Katie Rolon
Deputy Clerk to the
Honorable Gerald J. Pappert